

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

LIFELAST, INC., a Washington Corporation,

Plaintiff,

v.

COLDWATER GROUP, INC., a Georgia
Corporation; COLDWATER RESINS, INC.,
a Georgia Corporation; COLDWATER
COVERS, INC., a Georgia Corporation;
WILLIAM DAVID WITHERS, an individual;
and CHARLES H. RHOADS, an individual,

Defendants.

COLDWATER GROUP, INC., a Georgia
Corporation; COLDWATER COVERS, INC.,
a Georgia Corporation,

Counterclaim Plaintiffs,

v.

LIFELAST, INC., a Washington Corporation,
and CODY MERRION, an individual,

Counterclaim Defendants.

Case No. C04-5531 RJB

ORDER GRANTING COUNTERCLAIM
PLAINTIFFS' MOTION TO DISMISS
COUNTERCLAIMS AGAINST
CODY MERRION

This matter comes before the Court on Counterclaim Plaintiffs' Motion to Dismiss Counterclaims
Against Cody Merrion. Dkt. 63. The Court has considered the pleadings filed in this matter and the file
within. No pleadings were filed in opposition to this motion.

1 of the dismissal. *Id.* A district court should grant a motion for voluntary dismissal under Rule
2 41(a)(2) unless a defendant can show that he or she will suffer legal prejudice as a result. *Id.*

3 ORDER

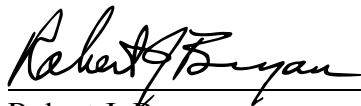
4 Coldwater's motion to dismiss all counterclaims against Merrion should be granted because
5 there is no evidence to suggest that Merrion will suffer legal prejudice as a result. Merrion is not a
6 plaintiff in this action, and upon execution of this order, will no longer be a party to these proceedings.
7 Further, Merrion did not file a response to Coldwater's motion to dismiss, nor did any other party file
8 a response to Coldwater's motion to dismiss.

9 Therefore, it is hereby

10 **ORDERED** that Counterclaim Plaintiffs' Motion to Dismiss Counterclaims Against Cody
11 Merrion (Dkt. 63) is **GRANTED** without prejudice.

12 The Clerk of the Court is instructed to send uncertified copies of this Order to all counsel of
13 record and to any party appearing *pro se* at said party's last known address.

14 DATED this 4th day of November, 2005.

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16 Robert J. Bryan
17 United States District Judge
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